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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 LAWTIS DONALD RHODEN,) NO. CV 08-00420 JHN (SS)
12 Plaintiff,)
13 v.) ORDER ADOPTING FINDINGS,
14 SHERIFF MICHAEL S. CORONA, et) CONCLUSIONS AND RECOMMENDATIONS
15 al.,) OF UNITED STATES MAGISTRATE JUDGE
16 Defendants.)
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19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second
20 Amended Complaint ("SAC"), the parties' motions for summary judgment,
21 all of the records and files herein, the Magistrate Judge's Reports and
22 Recommendations, and Plaintiff's Objections to the Reports and
23 Recommendations denying Plaintiff's motion for summary judgment and
24 granting in part Defendants' motion for partial summary judgment
25 ("Objections"). After having made a de novo determination of the
26 portions of the Reports and Recommendations to which Objections were
27 directed, the Court concurs with and adopts the findings, conclusions
28 and recommendations of the Magistrate Judge.

1 Accordingly, IT IS ORDERED THAT:

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3 1. Plaintiff's Motion for Summary Judgment is DENIED.

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5 2. Defendant Bergquist's Motion for Summary Judgment is DENIED.

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7 3. Defendants' Motion for Partial Summary Judgment is DENIED as to
8 Plaintiff's claims regarding the denial of roof recreation (SAC 16, 24),
9 the denial of clothing and bedding exchange (SAC 8, 22), and the
10 discarding of Inmate Message Slips (SAC 7-8).

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12 4. Defendants' Motion for Partial Summary Judgment is GRANTED as
13 to Plaintiff's claims regarding the withholding of legal mail (SAC 9-
14 11), the discarding of legal documents (SAC 9, 11-13), the provision of
15 insufficient food (SAC 13, 15), the requirement that Plaintiff kneel
16 during cell searches (SAC 19), the transfer to a smaller, more
17 restrictive cell (SAC 23-24), the delay and denial of access to the
18 courts (SAC 9-11), the denial of procedural due process (SAC 14, 18-19,
19 23), and the endangerment of Plaintiff. (SAC 14-15, 17). Plaintiff's
20 claims regarding these issues are therefore dismissed with prejudice.

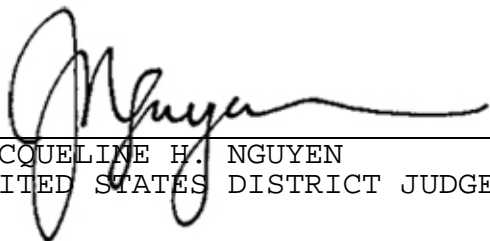
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22 5. Plaintiff's claim for declaratory relief is DENIED and
23 DISMISSED.

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25 6. JOHN DOE Defendants 1-10 of the Second Amended Complaint are
26 DISMISSED.

1 7. Further proceedings shall be conducted to determine the claims
2 that were not adjudicated in Defendants' favor, as set forth in this
3 Order, and those claims that Defendants did not seek to resolve by
4 summary judgment. (See Report and Recommendation re Defendants' Motion
5 for Summary Judgment at 15, n. 9).
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7 8. The Clerk shall serve copies of this Order by United States
8 mail on Plaintiff and on counsel for Defendants.
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10 DATED: November 1, 2010
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13 JACQUELINE H. NGUYEN
14 UNITED STATES DISTRICT JUDGE
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